REMARKS

The Examiner has objected to the preliminary amendment formerly submitted. In response, applicant has submitted herewith a substitute specification and a related declaration stating that no new matter has been added.

The Examiner has rejected Claim 20 under 35 U.S.C. 101 because the claim is directed to non-statutory subject matter. Applicant has amended such claim to clarify the subject matter as statutory.

The Examiner has further rejected Claims 1-4, 6-14 and 16-19 under 35 U.S.C. 102(b) as being anticipated by the Bigus patent (5,442,730). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove.

In particular, the Examiner states that applicant's claimed limitations are disclosed in the following excerpts from Bigus:

> "It was quickly realized that this was a very inefficient use of costly computer hardware. One of the major reasons that computer software called operating systems were developed was to allow more than one user to use a computer system at a time." (col. 1, lines 24-29)

> "One of the major functions performed by a computer operating system is job scheduling or managing the workload. Job scheduling involves giving user jobs access to the computer system resources, especially the central processing unit (CPU). All jobs are not treated equally in most operating systems. Just as there are different categories of customers at a bank with differing importance and priorities, there are

> different classes of users on a computer system." (col. 1, lines 35-43)
>
> "To overcome these problems, priorities can be assigned to various classes of customers. Usually within a class, customers would be served in first come first served order. Suppose for example that there are three classes of customers, private, small business, and large business, having priorities of 1, 2, and 3 respectively, where higher is better." (col. 2, lines 5-10)

Applicant respectfully disagrees with such assertion. In particular, Bigus (as exemplified by the foregoing excerpts) fails to disclose, teach or suggest "governing an interaction between a plurality of components of the system utilizing the criteria of the *contract*" (emphasis added). There is simply no mention of a contract or anything resembling a contract (i.e. agreement, etc.) in Bigus.

Still yet, applicant now claims "governing an interaction between a plurality of components of the system utilizing the criteria of the contract, *the components including an intrusion detection module*" (emphasis added). There is simply no mention of any governing of such an "intrusion detection module" in Bigus. Only applicant teaches and claims such a "contract"-based method in the context of a system including an "intrusion detection module" for dynamic adaptation of such a specific security-type system.

With respect to Claims 2-3, 12-13 and new Claim 21, applicant notes that the Examiner relies on the third excerpt set forth above to anticipate applicant's claimed "*adapting* the interaction between the components of the system *upon the criteria of the contract not being met.*" Applicant further notes that Bigus merely teaches dynamically changing the priority of interaction. See excerpt below:

> "In a significant departure from the previously described algorithms, the delay cost scheduler does not use static (fixed) priorities. You could think of

> the delay cost values as the dynamic (changing) priority of each customer. The priority changes as a function of the customer's time in the system, and the longer the customer stays in the system the higher his delay cost (priority) becomes. Each distinct class of customers would have its own associated delay cost curve or function." (col. 2, lines 41-49)

In vast contrast, applicant teaches and claims adapting the interaction between the components of the system "by adjusting the contract." Again, Bigus does not disclose, teach or suggest any sort of contract, let alone adjusting a contract for adapting interaction. Still yet, Bigus does not disclose any specific sort of adjustment, "wherein the contract is adjusted by a method selected from the group consisting of deactivation of the contract, modification of the contract, deletion of the contract, and activation of a different contract." Only applicant teaches and claims "governing an interaction between a plurality of components of the system utilizing the criteria of the contract" where such interaction of the components is adapted "by adjusting the contract" "upon the criteria of the contract not being met."

An allowance is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P002/00.056.01).

Respectfully submitted,

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1. (Amended) A method for dynamic adaptation of a system in accordance with a contract with criteria associated therewith, comprising[the steps of]:

[(a)]governing an interaction between a plurality of components of the system utilizing the criteria of the contract, the components including an intrusion detection module;

[(b)]determining whether the interaction between the components of the system meets the criteria of the contract; and

[(c)]adapting the interaction between the components of the system upon the criteria of the contract not being met.

2. The method as recited in claim 1, wherein the interaction between the components of the system is adapted by adjusting the contract.

3. The method as recited in claim 2, wherein the contract is adjusted by a method selected from the group consisting of deactivation of the contract, modification of the contract, deletion of the contract, and activation of a different contract.

4. The method as recited in claim 1, wherein the criteria of the contract include cost model criteria.

5. The method as recited in claim 4, wherein the cost model criteria is based on resource utilization.

6. The method as recited in claim 4, wherein the cost model criteria are based on performance.

7. The method as recited in claim 4, wherein the cost model criteria is based on service provisioning.

8. The method as recited in claim 1, wherein the interaction that is governed and adapted is security-related interaction.

9. (Amended) The method as recited in claim 8, wherein the components include [an] the intrusion detection module and an analysis module.

10. The method as recited in claim 1, wherein the interaction that is governed and adapted is performance-related interaction.

11. (Amended) A computer program product for dynamic adaptation of a system in accordance with a contract with criteria associated therewith, comprising:

(a) computer code for governing an interaction between a plurality of components of the system utilizing the criteria of the contract, the components including an intrusion detection module;

(b) computer code for determining whether the interaction between the components of the system meets the criteria of the contract; and

(c) computer code for adapting the interaction between the components of the system upon the criteria of the contract not being met.

12. The computer program product as recited in claim 11, wherein the interaction between the components of the system is adapted by adjusting the contract.

13. The computer program product as recited in claim 12, wherein the contract is adjusted by a method selected from the group consisting of deactivation of the contract, modification of the contract, deletion of the contract, and activation of a different contract.

14. The computer program product as recited in claim 11, wherein the criteria of the contract includes cost model criteria.

15. The computer program product as recited in claim 14, wherein the cost model criteria is based on resource utilization.

16. The computer program product as recited in claim 14, wherein the cost model criteria is based on performance.

17. The computer program product as recited in claim 14, wherein the cost model criteria is based on service provisioning.

18. The computer program product as recited in claim 11, wherein the interaction that is governed and adapted is security-related interaction.

19. (Amended) The computer program product as recited in claim 18, wherein the components include [an] the intrusion detection module and an analysis module.

20. (Amended) An apparatus for dynamic adaptation of a system in accordance with a contract with criteria associated therewith, comprising:

a module for:

(a) [logic for]governing an interaction between a plurality of components of the system utilizing the criteria of the contract, the components including an intrusion detection module;

(b) [logic for]determining whether the interaction between the components of the system meets the criteria of the contract; and

(c) [logic for]adapting the interaction between the components of the system upon the criteria of the contract not being met.

21. (Added) A method for dynamic adaptation of a system in accordance with a contract with criteria associated therewith, comprising:

governing a performance-related interaction between a plurality of components of the system utilizing the criteria of the contract;

determining whether the interaction between the components of the system meets the criteria of the contract; and

adapting the interaction between the components of the system upon the criteria of the contract not being met;

wherein the interaction between the components of the system is adapted by adjusting the contract by a method selected from the group consisting of deactivation of the contract, modification of the contract, deletion of the contract, and activation of a different contract.